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TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT (Under 37 CFR 1.97(b) or 1.97(c))	Docket No. 51271/40

OIPE JC61
SEP 13 2004
PATENT & TRADEMARK OFFICE

In Re Application Of: **Kurtzman et al.**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/679,875	October 6, 2003	Not Yet Assigned	35735	1632	7920

Title: **INDUCTION OF IMMUNE RESPONSE TO ANTIGENS EXPRESSED BY RECOMBINANT ADENO-ASSOCIATED VIRUS**

Address to:
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

37 CFR 1.97(b)

1. ☒ The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

37 CFR 1.97(c)

2. ☐ The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:

   ☐ the statement specified in 37 CFR 1.97(e);

   OR

   ☐ the fee set forth in 37 CFR 1.17(p).

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Payment of Fee

(Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))

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- ☒ The Director is hereby authorized to charge and credit Deposit Account No. 50-2375 as described below.
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In Re Application: **Kurtzman et al.**

OIPE JC61 SEP 13 2004 PATENT & TRADEMARK OFFICE

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OIPE
SEP 13 2004
PATENT & TRADEMARK OFFICE
JC961

PATENT APPLICATION
Docket No.: 51271/40 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:		
	Kurtzman et al.	
Serial No.:	10/679,875	Art Unit 1632
Filed:	October 6, 2003	
For:	INDUCTION OF IMMUNE RESPONSE TO ANTIGENS EXPRESSED BY RECOMBINANT ADENO-ASSOCIATED VIRUS	
Examiner:	Not Yet Assigned	

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R § 1.97

TO THE COMMISSIONER FOR PATENTS:

1. Pursuant to the duty of disclosure, documents listed on the accompanying Form PTO-1449 (or equivalent) are presented for the Examiner's consideration.

☐ Copies of listed documents are enclosed. (37 CFR § 1.98(a))

☐ Copies of listed U.S. patent documents are omitted because this application was filed after June 30, 2003 and is, thus, subject to image file wrapper processing. Copies of listed foreign patent documents and non-patent literature are enclosed.

☒ Copies of the documents listed on sheet(s) 1-5 of Form PTO-1449 (or equivalent) are omitted because (1) they are already of record in U.S. Patent Application No. 09/858,728, filed May 16, 2001, and U.S. Patent Application No. 09/121,162, filed July 23, 1998 on which this application relies for an earlier filing date under 35 U.S.C. § 120; and (2) any information disclosure statement filed in the prosecution of Application Nos. 09/858,728 and 09/121,162, comply with 37 CFR §§ 1.98(a) through (c). (37 C.F.R. § 1.98(d))

2. ☐ The Examiner's attention is directed to the enclosed copy of copending U.S. Patent Application No. _____, filed _____, for _____, which is cited in this application.

3. This information disclosure statement is being submitted (check box a., b., or c.):

a. ☒ Within three months of the filing date of a national application or entry of the national stage in an international application; or before the mailing of a first Office action on the merits; or before the mailing of a first Office action after the filing of a request for continued examination under 37 CFR 1.114. (No statement under 37 CFR 1.97(e) is required.); or

b. ☐ After the period set forth in paragraph 3a, but before the mailing date of either a final action, a notice of allowance, or an action that otherwise closes prosecution in the application. (Check box i. or ii.)

i. ☐ A $180.00 information disclosure statement submission fee set forth in 37 CFR 1.17(p) is enclosed, or

ii. ☐ A statement specified by 37 CFR 1.97(e) is set forth below; or

c. ☐ After the mailing date of a final action or notice of allowance and on or before payment of the issue fee. A statement specified by 37 CFR 1.97(e) is set forth below. Enclosed is a $180.00 information disclosure statement processing fee set forth in 37 CFR 1.17(p).

4. If a statement specified by 37 CFR 1.97(e) is required, the attorney or agent signing below hereby states that:

☐ each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or

☐ no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement.

5. ☐ A concise explanation of the relevance of each document not in the English language and/or selected documents in the English language is set forth below.

DATED this 9th day of September, 2004.

Respectfully submitted,

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Registration No. 50,390

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OIPE JC61 SEP 13 2004 PATENT AND TRADEMARK OFFICE

FORM PTO-1449							
U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE CITATION Title: INDUCTION OF IMMUNE RESPONSE TO ANTIGENS EXPRESSED BY RECOMBINANT ADENO-ASSOCIATED VIRUS					ATTY. DOCKET NO. 51271/40 AV 1006.CON1.1		APPLICATION NO. 10/679,875
					APPLICANT – Kurtzman et al.		
					FILING DATE- 10/06/2003		
U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE IF APPROPRIATE
	1	4,683,195	07/28/1997	Mullis et al.			02/07/1986
	2	4,683,202	07/28/1987	Mullis			10/25/1985
	3	4,708,871	11/24/1987	Geysen			03/08/1984
	4	4,946,778	08/07/1990	Ladner et al.			01/19/1989
	5	4,965,188	10/23/1990	Mullis et al.			06/17/1987
	6	5,139,941	08/18/1992	Muzyezka et al.			10/25/1991
	7	5,173,414	12/22/1992	Lebkowski et al.			10/30/1990
FOREIGN PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	8	WO 90/13678	11/115/1990	WIPO			No
	9	WO 92/01070	01/23/1992	WIPO			No
	10	WO 92/08981	05/29/1992	WIPO			No
	11	WO 93/03367	02/18/1993	WIPO			No
	12	WO 93/03769	03/04/1993	WIPO			No

EXAMINER	DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformation with MPEP609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

EXAMINER'S INITIAL	OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)	
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